

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

CHARLES DANIEL CARL,

Petitioner,

No. CIV S-04-1796 FCD DAD P

vs.

WARDEN M. KNOWLES, et al.,

Respondents.

ORDER

Petitioner, a state prisoner proceeding pro se, has filed an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local General Order No. 262.

On August 22, 2008, the magistrate judge filed findings and recommendations herein which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within twenty days. Neither party has filed objections to the findings and recommendations.<sup>1</sup>

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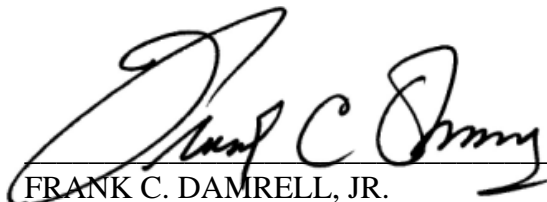
<sup>1</sup> On August 28, 2008, petitioner filed a request for judicial notice, in which he requests that this court take judicial notice of the recent California Supreme Court case In re Lawrence, 44 Cal.4th 1181 (2008). Neither the holding nor the reasoning of In re Lawrence would change the ultimate disposition of petitioner's habeas corpus petition.

1           The court has reviewed the file and finds the findings and recommendations to be  
2 supported by the record and by the magistrate judge's analysis. Accordingly, IT IS HEREBY  
3 ORDERED that:

4           1. The findings and recommendations filed August 22, 2008, are adopted in full;  
5 and

6           2. Petitioner's application for a writ of habeas corpus is denied.

7 DATED: September 26, 2008.

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11 FRANK C. DAMRELL, JR.  
12 UNITED STATES DISTRICT JUDGE  
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